

Memorandum

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BEVERLY FREDERICKS, LAVANNA FREDERICKS,
D [REDACTED] M [REDACTED] AND KEVIN PAUL,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE COMMISSIONER
RAYMOND KELLY, LIEUTENANT KEVIN
GALLAGHER, POLICE OFFICER DENIS KOSTA,
SHIELD #4788, POLICE OFFICER CHARLENE SMITH,
SHIELD #29722, POLICE OFFICER STEPHEN
MINUCCI, SHIELD #7979, POLICE OFFICER COLIN
WOODE, SHIELD #13547, POLICE OFFICER
KATHLEEN GRANT, SHIELD #1992, SERGEANT
JOSEPH GIUSTINO, SHIELD #4621, POLICE OFFICER
VINCENT DAMIANO, SHIELD #11062, POLICE
OFFICER ANDREW ZARKEWICZ, SHIELD #08734,
POLICE OFFICER TERRELL,

Defendants.

**STIPULATION OF
SETTLEMENT AND
ORDER OF DISMISSAL**

08 CV 2514 (CM)

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WHEREAS, plaintiffs Beverly Fredericks, Lavanna Fredericks, infant D [REDACTED]
M [REDACTED] and Kevin Paul commenced this action by filing a complaint on or about March 12,
2008, alleging that defendants violated his constitutional rights and common law rights ; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs'
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the
terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees except as provided for in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff Beverly Fredericks the sum of **Seven Thousand Five Hundred (\$7,500.00) Dollars** in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. The City of New York hereby agrees to pay plaintiff Lavanna Fredericks the sum of **Seventeen Thousand Five Hundred (\$17,500.00) Dollars** in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. The City of New York hereby agrees to pay plaintiff Kevin Paul the sum of **Fifteen Thousand (\$15,000.00) Dollars** in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. The City of New York hereby agrees to pay infant plaintiff [REDACTED] the sum of **Seven Thousand Five Hundred (\$7,500.00) Dollars** in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiffs agree to the dismissal of all claims against the City of New York and Andrew Zarkewicz, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiffs in this action arising out of the

events alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release and An Affidavit of No Liens based on the terms of paragraph 2 above.
4. With respect to infant plaintiff [REDACTED], settlement of this action is conditioned on compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court ("Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions") and Rule 1207 et seq. of the Civil Practice Laws and Rules for the State of New York.
5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.
6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.


7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
~~September~~ 18, 2008
November

Andrew Stoll, Esq.
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By: 

Andrew Stoll, Esq. (AS )

By: 

Stuart E. Jacobs (SJ 8379)
Assistant Corporation Counsel

SO ORDERED:


UNITED STATES DISTRICT JUDGE

12-12-08